



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ford, Louis, et al.

Art Unit: 3732

Appl. No.: 09/073,877

Examiner: Hirsch, P.

Filed: May 7, 1998

Atty. Docket: LN.010

For: **Textured Bone Allograft, Method of Making and Using Same**

PRELIMINARY RESPONSE

The Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This Response is submitted responsive to the Final Office Action dated November 19, 1999, issued in the parent of the above-identified CPA application, along with a petition for a three-month extension of time and the appropriate extension fee, making a response due on or before May 19, 2000.

Please consider the following remarks.

REMARKS

Claims 1-26 are pending in the present application. No new matter has been added.

I. At page 2 of the Office Action, the Examiner maintains his rejection of claims 1-26 under 35 U.S.C. §103 as being unpatentable over Senter et al. in view of Heggeness et al., Wagner et al., Cottle, Gross et al., and McKay.

The Examiner repeats that it would be obvious in view of the teachings of Senter et al. and Heggeness et al. to form a prosthesis such as taught by Senter et al. with the known and conventional shapes of spinal prosthesis. The Examiner states that Heggeness et al. teaches that allografts can be produced in various sizes and shapes, and that the inclusion of various shaped protrusions such as ridges, pyramids, are points of known construction in bone prosthesis such as taught by Wagner et